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STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

Honolulu, Hawaii 96813

*September 9, 2010*

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

OAHU

Accept Conveyance of 45.068 acres from Hawaii Housing Finance and Development Corporation to the Board of Land and Natural Resources and Set Aside to the Department of Education for Kapolei High School at Honouliuli, District of Ewa, Oahu, Tax Map Key No.: (1) 9-1-016:074.

APPLICANT AGENCY:

Department of Business, Economic Development & Tourism, Hawaii Housing Finance and Development Corporation (HHFDC) on behalf of the Department of Education (DOE).

LANDOWNER:

HHFDC, a public body and a body corporate and politic, whose address is 677 Queen Street, Suite 300, Honolulu, Hawaii 96813.

LEGAL REFERENCE:

Section 107-10, 171-11 and 171-30, Hawaii Revised Statutes, as amended.

LOCATION:

Lands situated at 91-5007 Kapolei Parkway, Kapolei, Hawaii 96707 at Honouliuli, District of Ewa, Oahu, identified by Tax Map Key: (1) 9-1-016:074, as shown on the attached maps labeled EXHIBITS A-1 (Location map), A-2 (Vicinity map), A-3 (Land Court Map 896) and A-4 (Land Court Map 1388).

AREA:

45.068 acres, more or less.

ZONING:

State Land Use District: Urban  
City and County of Honolulu Land Use Ordinance: R-3.5 Residential  
(A public school can exist over R-3.5)

CURRENT USE:

Kapolei High School for students in grades 9-12. The school campus includes four classroom buildings, a Wood Shop, a Media/Adult Ed Center, a Gym and P.E. Locker building, a Central Plant, a Music building, a Forum (cafeteria), Administration Center, and a Food Court kitchen. The campus also includes a football field, baseball field, tennis play courts, and basketball/volleyball courts. See attached campus map labeled EXHIBIT B.

CONSIDERATION:

None. HHFDC is transferring the subject lands at no cost to the State.

PURPOSE:

Kapolei High School purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the Office of Environmental Quality Control's (OEQC) Environmental Notice on January 8, 1999 with a finding of no significant impacts (FONSI).

Additionally, the Department of Health's Hazard Evaluation and Emergency Response Office collected soil samples from the site in March 1999. The State Toxicologist reported that the soils levels were safely below the E.P.A. guideline levels and concluded that the site is probably safe for students, teachers, or construction workers. (See EXHIBIT C.)

APPLICANT REQUIREMENTS:

None.

BACKGROUND:

The Kapolei High School site is located in the southwest corner of the Villages of Kapolei (VOK) master planned community. VOK is situated on 888.001 acres of land which the State of Hawaii, by its Board of Land and Natural Resources (BLNR), acquired under a Condemnation Agreement effective April 11, 1989. The BLNR subsequently deeded the land to HHFDC (successor to the Housing Finance and Development Corporation and Housing and Community Development Corporation of Hawaii) in 1990 for the development of the VOK.

HHFDC continues to develop the VOK which features quality affordable

and market-rate single family, townhouse and rental units, as well as amenities including a recreation center, a church site, a golf course (which serves as a major drainage retention basin), and elementary, middle and high schools. Approximately 3,507 of a projected 4,474 residential units have been completed as of June 30, 2010.

The planning and design of the Kapolei High School utilized a charette process which provided for significant input by the community, educators, and students. The design charettes were scheduled in three sessions and held over a four-month period, from November 1997 to February 1998. A Steering Committee and State/Community Task Force translated the ideas and themes for the school into the physical design. A final report entitled Kapolei High School: Creating a Dynamic Learning Community (Design Charette and Master Plan Report), dated May 1998, documents the charette process and resultant designs.

Additionally, the agencies identified on EXHIBIT D were contacted in conjunction with the preparation of the draft environmental assessment (EA). Comments and/or response letters to the Draft EA were received from the OEQC, DOE, State Department of Accounting and General Services (DAGS), State Department of Transportation, Airports Division, City Department of Planning, and the City Department of Transportation Services. Comments were addressed, and where warranted, incorporated into the final EA. Copies of the comment letters and responses were included in the final EA. There were no significant issues or concerns.

The development of the Kapolei High School was a cooperative effort between the DOE, DAGS, HHFDC, and a private developer, Makai Village Partnership. Pursuant to Act 284, SLH 1996, HHFDC, DAGS, and DOE (collectively referred to as the "State") entered into a Development Agreement with Makai Village Partnership to expedite the construction of the Kapolei High School. Construction of Phase 1 of the high school commenced on April 30, 1999 with a targeted completion date of September 1, 2000. Kapolei High School opened on July 26, 2000 to 375 freshmen with the plan of adding one grade level each subsequent year through June 2004. Fall enrollment for the 2008-09 school year was 2,230 students.

This request covers the conveyance (in fee simple) of the property from HHFDC to BLNR.

The DOE has operated and maintained the high school lands since 2000. Approval of this request to formally set aside the land to DOE will provide DOE with complete jurisdiction to continue to operate the Kapolei High School.

RECOMMENDATION: That the Board:

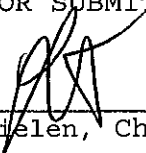
1. Accept the conveyance of 45.068 acres from HHFDC, subject to the following:
  - A. The standard terms and conditions of the most current deed document form, as may be amended from time to time;
  - B. Review and approval by the Department of the Attorney General; and
  - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the Department of Education under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
  - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
  - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
  - C. Review and approval by the Department of the Attorney General; and
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



*K* Karen Seddon, Executive Director  
Hawaii Housing Finance and Development  
Corporation

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

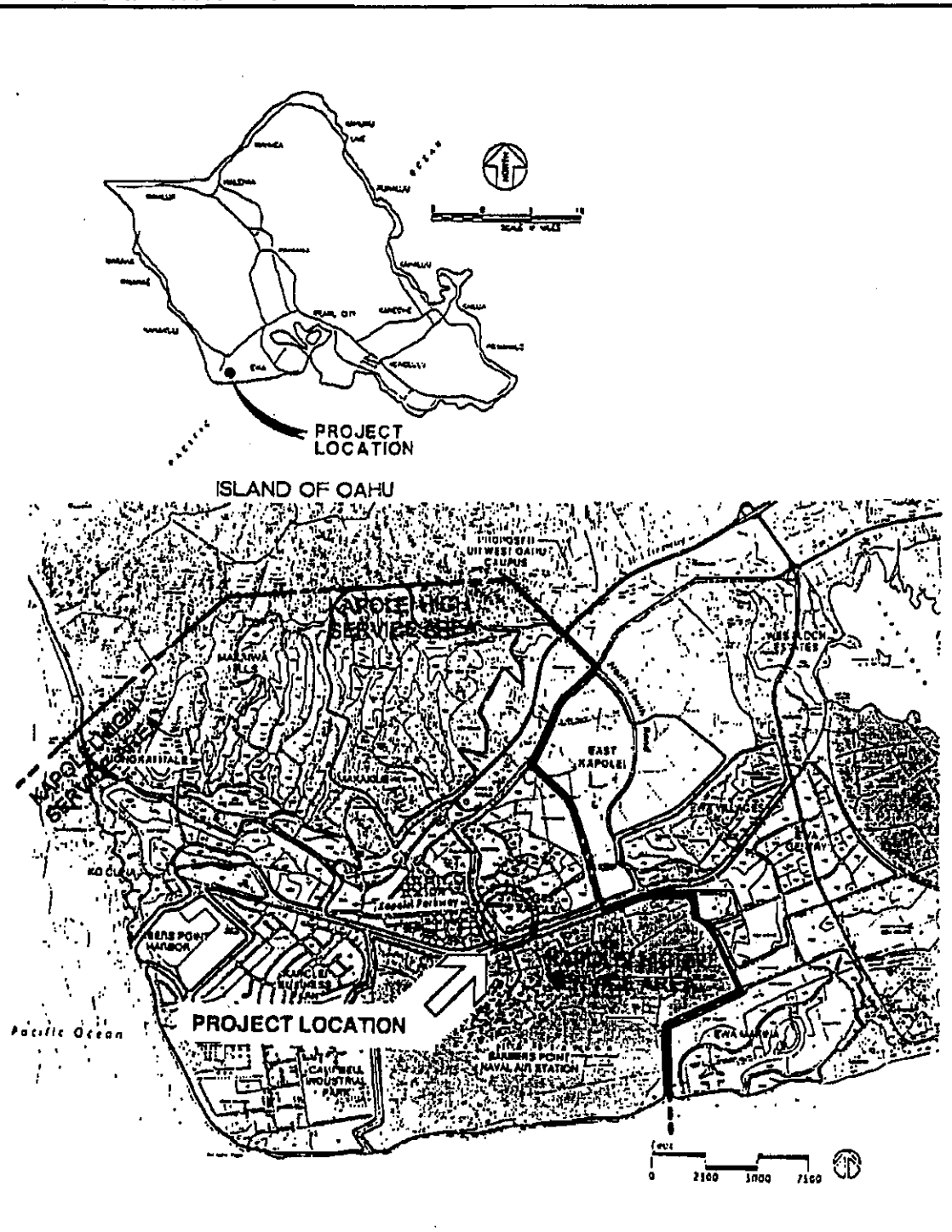


Figure 1: LOCATION and SERVICE AREA MAP

Kapolei High School Master Plan  
Ewa, Oahu; State of Hawaii

**MITSUNAGA & ASSOC., INC.**  
Honolulu, Hawaii

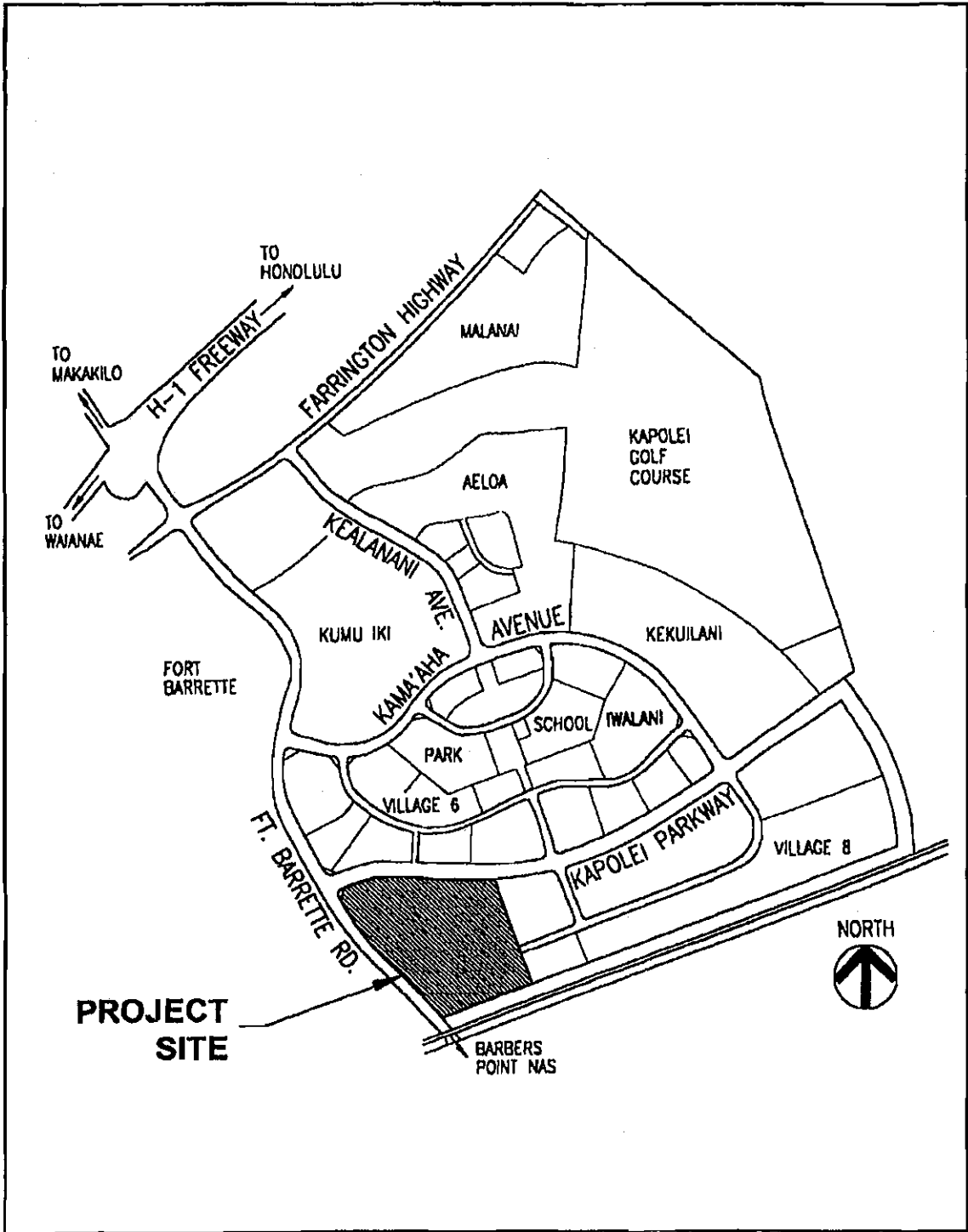


Figure 2: VICINITY MAP

Kapolei High School Master Plan  
Ewa, Oahu; State of Hawaii

  
MITSUNAGA & ASSOC., INC.  
Honolulu, Hawaii

STATE OF MAINE

**AD BUCHEN ON PLAP 23**

## AND DISSEMINATION OF INFORMATION

**OF VEHICLE ACCESS RIGHTS**

**AFFECTING LOTS 12031, 12033 AND 12036**

**AT MONTELEONE, THE ONLY PLACE**



**R. H. Towell Corporation**

470 MILLERSIDE ROAD  
KING OF THE HILLS  
-MILLERSIDE, MOUNTAIN VIEW  
April 1, 1957

LETTERS FROM THE  
CITY OF KINGS  
-CITY OF KINGS  
-CITY OF KINGS

**Casey, Housing Finance and Development Corporation  
Receives Certificate of Title 376,766**

AUTHORIZED AND APPROVED BY ORDER OF THE JUDGE  
OF THE LAND COURT DATED: APRIL 7, 1997  
BY ORDER OF THE COURT

ACTRESS  
DISTRIBUTOR OF THE LAND COMPANY

The submission of additional access rights affecting Lots 8001, 8002 and 8006 to the above-mentioned law has resulted by Order of the Judge of the Land Court dated September 25, 2006.

Respectfully,  
 September 25, 2006 *P. R. A.*

W. J. T. T.  
State Land Survey

The findings of ERS-1 find within Lot 10039 has been recorded in ERS-2 find and the distance of 27.253 find within lot 10038 has been recorded as 4076 feet found by Order of the Judge of the Land Court dated May 5, 1997.

Respectfully,  
Stacy A. McLaughlin  
 State Land Surveyor

First April 3, 1997  
James (Hiram),  
James Clark

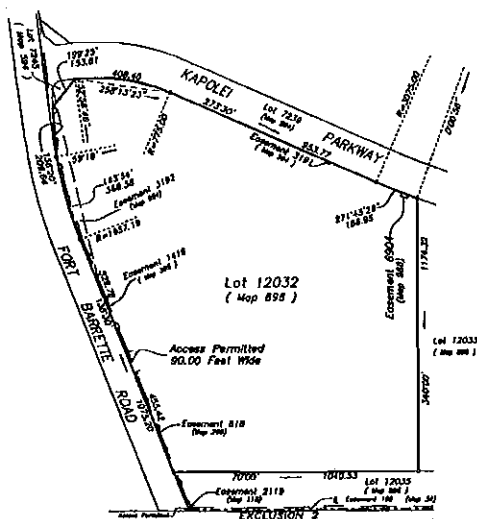
**संदर्भ:**

	Chorus as usual previous
	Duration not strictly adhering previously
	Chorus same previous

7/7/62 9:30 AM. 74 100 800 600/1000

27 - 27 - 27 27 27 27

Exhibit A-4



## Notes:

- Denotes Access Permitted  
 Denotes No Vehicle Access Permitted

LAND COURT  
STATE OF HAWAII  
LAND COURT APPLICATION 1069

CANCELLATION OF  
PORTION OF THE RESTRICTION OF VEHICLE ACCESS RIGHTS  
AS SHOWN ON MAP 118  
AFFECTING LOT 12032 AS SHOWN ON MAP 896 AND  
DESIGNATION OF RESTRICTION OF ACCESS RIGHTS  
AFFECTING LOT 12032 AS SHOWN ON MAP 896

AT HONOLULU, EWA, OAHU, HAWAII

2024 North King Street, Suite 200  
Honolulu, Hawaii 96815  
February 7, 2008



R. H. TOWELL CORPORATION

David M. Smith 4/20/08  
David M. Smith 1/1/2018  
Licensed Professional Land Surveyor  
Certificate Number 10008  
Land Court Certificate Number 380

Owner: Hawaii Housing Finance and Development Corporation  
Transfer Certificate of Title: 375,758

AUTHORIZED AND APPROVED BY ORDER OF THE JUDGE  
OF THE LAND COURT DATED MAY 1, 2008  
BY ORDER OF THE COURT.

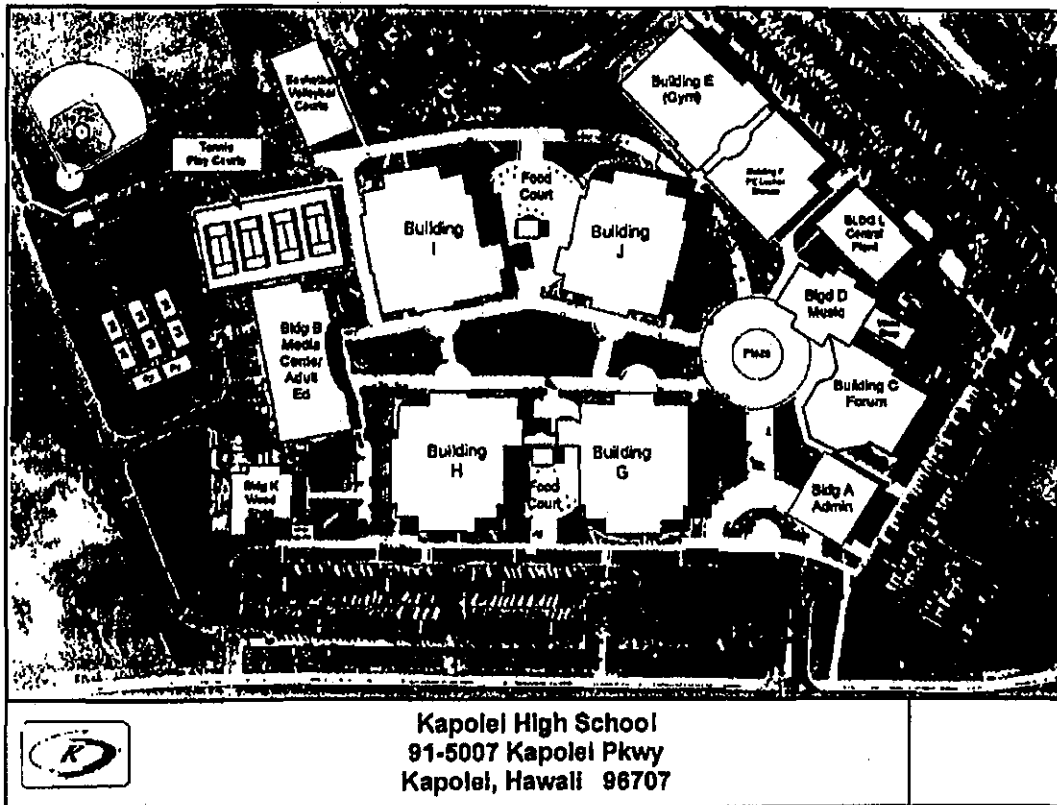
*David M. Smith*  
REGISTERAR OF THE LAND COURT

filed April 18, 2008  
Jenna Shivers  
Clerk



## Exhibit B

### Campus Map



Campus Map of Kapolei High School

BENJAMIN J. CAYETANO  
GOVERNOR OF HAWAII



LAWRENCE M. MUI  
DIRECTOR OF HEALTH

May 7 11 00 AM '99

RECEIVED  
H.O.D.C.H.

STATE OF HAWAII  
DEPARTMENT OF HEALTH

P. O. BOX 3378  
HONOLULU, HAWAII 96801

In reply, please refer to:  
HEER OFFICE

May 4, 1999

Kapolei H. igh

TO: Ms. Sandy Pfund  
Project Coordinator  
Housing Finance and Development Corporation  
Department of Budget and Finance

FROM: Leslie K.L. Au, M.Sc. *Leslie K.L. Au*  
Toxicologist, HEER Office

SUBJECT: Soil Testing of Kapolei High School Site

In March, 1999, ten soil samples were collected from the proposed site of Kapolei High School by me, Leslie Au of the Department of Health's Hazard Evaluation and Emergency Response Office. INALAB analyzed for six pesticides which my research had shown to be the most likely weed-killers which could have been used when the land was under sugar-cane cultivation.

The analysis indicates that the site probably presents no health risk to school children and teachers. None of the pesticides were attached (adsorbed) to surface soil, where dust could have been swallowed or breathed in.

Using the school's architectural site plan, the samples were taken from the top 3 inches of soil in future open areas -- four from the area which will be the baseball and softball fields, four from the area which will be the football field, and two from each side of the future auditorium. No samples were taken from areas which will be under buildings or paved areas. Therefore, these samples were biased to protect students and teachers, not construction workers. If the workers unearth evidence of chemical spills (unusual staining or oily smells) during excavations for building foundations or utility lines, please ask them to stop and call me at 586-7539.

<u>Herbicide</u>	<u>Levels Which Could Affect Health<sup>1</sup></u>	<u>Level Found</u>
Pentachlorophenol	2.5 parts per million (mg/kg)	below 0.2 mg/kg
Arsenic	0.38	mg/kg below 0.02 mg/kg
Atrazine	2.0	mg/kg below 0.2 mg/kg
Diuron	110	mg/kg below 50 mg/kg
Ametryn	490	mg/kg below 20 mg/kg
Dalapon	1600	mg/kg below 20 mg/kg

<sup>1</sup>These health-risk guidance levels for soil contaminants are provided by the U.S. Environmental Protection Agency's Region 9 office in San Francisco. A large margin of safety has been incorporated into the guidance levels. An additional safety margin has been provided by these guidance levels which were intended to protect people who live on a site and are exposed to contaminated soil 7 days a week (not only 5) for at least 30 years.

Of these six herbicide ingredients, pentachlorophenol and arsenic are the only two which are cancer agents. The levels which are cited in the table above would have protected against cancer. Furthermore, a cancer-risk guideline protects against every other health effect (birth defects, reproductive problems, and all other illnesses), because the other effects are caused by exposure to much higher levels than the cancer-risk guideline. For example, the cancer-risk guideline for arsenic is 0.38 mg/kg, but the guideline that protects against all other arsenic-caused illnesses is 21 mg/kg.

The soil levels found by INALAB were safely below the E.P.A. guideline levels. Therefore, the site is probably safe for students, teachers, or construction workers.

If anyone has further questions, please call me at 586-7539. Thank you for letting me help with this public-health protection project.

c: Ms. Ranelle Ho, Makai Village Partnership

**VI. AGENCIES CONTACTED PRIOR TO/DURING THE PREPARATION OF THE DRAFT ENVIRONMENTAL ASSESSMENT**

For the planning and design of the Kapolei High School, a design charette process was utilized which provided the opportunity for significant input by the community and government agencies. More people than the traditional planning/design process allows, including DOE staff, parents, students, public officials and representatives from community businesses and organizations, had opportunity to share their visions and interests in planning and design of the school.

The following agencies and organizations were involved in the master planning and design charette process or contacted prior to/during the preparation of the Environmental Assessment:

**A. Federal Agencies**

1. U.S. Naval Air Station Barbers Point (NASBP)

**B. State Agencies**

1. Department of Accounting and General Services (DAGS)  
Central Services
2. Department of Accounting and General Services (DAGS)  
Public Works Division
3. Department of Defense (DOD)  
Civil Defense Division
4. Department of Education (DOE)  
Barbers Point Elementary School  
Campbell High School  
Ilima Intermediate School  
Kapolei Elementary School  
Makakilo Elementary School  
Nanakuli High & Intermediate School  
Walanae High School  
Walanae Intermediate School  
Waipahu Community School

Waipahu High School  
Waipahu Intermediate School

5. Department of Education (DOE)  
Leeward District Office
6. Department of Education (DOE)  
Office of Accountability and School Instructional Support
7. Department of Education (DOE)  
Office of Business Services  
Facilities Branch  
Operations & Maintenance Section  
School Food Service Branch
8. Department of Hawaiian Home Lands (DHHL)
9. Department of Health (DOH)  
Office of Environmental Quality Control
10. Department of Transportation (DOT)
11. Housing and Community Development Corporation of Hawaii  
(HCDCH)

**C. City & County Agencies**

1. Planning Department (DPL)
2. Department of Planning and Permitting (DPP)
3. Department of Transportation Services (DTS)
4. Honolulu Police Department (HPD)

**D. Other Agencies/Organizations**

1. Estate of James Campbell
2. Kapolei Hope Chapel
3. Kapolei Rotary Club
4. Ko 'Olina Resort
5. Makai Village Partnership
6. Makakilo Lions Club
7. Neighborhood Board #34